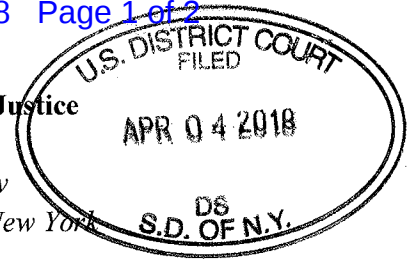




U.S. Department of Justice

United States Attorney
Southern District of New York



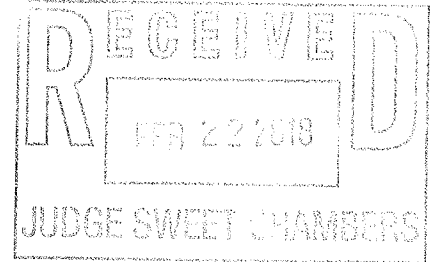
86 Chambers Street
New York, New York 10007

February 22, 2018

UNDER SEAL

BY HAND

Hon. Robert W. Sweet
United States District Judge
500 Pearl Street
New York, NY 10007



Re: *Defrauded Homeowners of America, et al., v. Federal Reserve, et al.*,
17 Civ. 6611(RWS) (Under Seal)

Dear Judge Sweet:

We represent the United States of America (the "Government") in the above-referenced matter, which purportedly was filed as a *qui tam* action and placed under seal pursuant to 31 U.S.C. § 3730(b)(2). We write respectfully after receiving notice from the Court of the existence of this action, as well as receiving from the Court a copy of the pending "Presentment for Reconsideration and Writ of Error Claim" (the "Motion") filed by the plaintiffs, Defrauded Homeowners of America, et al. ("Plaintiffs"). While the Government is not currently a party to this action, we nonetheless submit this statement of interest as the true party-in-interest in all *qui tam* actions, and respectfully submit that the Motion should be denied.

The Court previously dismissed this matter *sua sponte* by Order dated October 26 (the "October 26 Order"), based upon the Plaintiffs' failure to serve the Government with its pleadings as required by 31 U.S.C. § 3730(b)(2), and because Plaintiffs are non-attorneys proceeding *pro se*, which is not permitted under the False Claims Act. Based upon the facts of which the Government is aware, neither of these circumstances has changed since the October 26 Order. To date, the United States Attorney's Office for the Southern District of New York has been served with no pleadings or, indeed, any documents related to this matter from the Plaintiffs, in contravention of Plaintiffs' statutory obligation to provide the Government with not only the complaint but "all material evidence and information" in their possession, 31 U.S.C. § 3730(b)(2), as well as their obligations under Federal Rule of Civil Procedure 4(i)(1)(A). Dismissal of the complaint is appropriate for this reason. Plaintiffs' arguments in the Motion regarding purported service of undisclosed documents upon the Attorney General, *see* Motion ¶¶ 11-17, do not rectify this procedural defect.

Additionally, Plaintiffs' Motion does not deny that an individual referred to as Eeon, who is a non-attorney, is proceeding *pro se* in this matter and also purports to act on behalf of


other non-attorney individuals. *See id.* at 1. As recognized in the October 26 Order, it is well-established that *pro se*, non-attorney litigants are not permitted to pursue False Claims Act claims on behalf of the Government. *See, e.g., Hayes v. Dep't of Educ. of the City of New York*, No. 12-1357, 2014 WL 2048196, at *3 (S.D.N.Y. May 16, 2014); *Klein v. City of New York*, No. 10-9568, 2012 WL 546786, at *5 (S.D.N.Y. Feb. 21, 2012); *Lindsay v. Tech. College Sys. of Ga.*, No. 09-2133, 2011 WL 1157456, at *2 (N.D. Ga. Mar. 29, 2011). Accordingly, even if all relevant pleadings had been served on the Government, the Court still properly dismissed the action on this basis.

For the reasons set forth above, we respectfully request that the Court deny the Motion. Should the Court have further questions or concerns, we would be happy to address them. We respectfully request that this statement of interest be placed on the under-seal docket and we enclose a sealing envelope for this purpose. We also ask that the Court provide a copy of this statement of interest to the Plaintiffs as we are not in possession of their contact information.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By:


CRISTINE IRVIN PHILLIPS
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007